

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAHBU BEHLIN,

Plaintiff,

-v.-

RITE AID PHARMACY STORE, *et al.*,

Defendants.

18 Civ. 4335 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Defendants' September 14, 2020 letter requesting a pre-motion conference for an anticipated motion for summary judgment. (Dkt. #72). On the current record, the Court is not yet prepared to order briefing on a motion for summary judgment. Therefore, the Court ORDERS that:

- The City Defendants shall provide Plaintiff with the requisite form or HIPAA waiver that would authorize Defendants to produce Plaintiff's medical records to him as quickly as possible;
- Upon receipt of the form or waiver, Plaintiff shall sign and return said form or waiver to the City Defendants as quickly as possible;
- Upon receipt of the signed form or waiver, the City Defendants shall produce to the Court and to Plaintiff, under seal, all medical records for Mr. Behlin that they have in its possession, custody, or control, covering the period from the date of Plaintiff's arrest on June 20, 2015, to the present.

Upon receipt, review, and production of Plaintiff's medical records, Defendants may submit a renewed request for a pre-motion conference for an anticipated motion for summary judgment. Based on the current record, the Court does not believe additional discovery will illuminate any of Plaintiff's claims at this time, and therefore stays all discovery except as ordered above, pending the production of Plaintiff's medical records or further order of the Court.

SO ORDERED.

Dated: September 16, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge

The Clerk of Court is directed to mail a copy of the Order to:

Rahbu Behlin
17-A-1400
Otisville Correctional Facility
P.O. Box 8
Otisville, NY 10963